

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

THRIVENT FINANCIAL FOR
LUTHERANS,

Plaintiff,

v.

JAMES E. HARRIS; JAMES E. HARRIS,
JR.; ANDREA HARRIS; J.H. (A MINOR),

Defendants.

C.A. No. 3:16-cv-03368-MGL

**Plaintiff's Status Report on Service and
Motion for a Thirty Day Extension of the
Service Deadline**

Pursuant to Federal Rule of Civil Procedure 4(m) and Local Rule 4.01, Plaintiff Thrivent Financial for Lutherans (“**Thrivent**”) files this status report, and respectfully and for good cause moves the Court to grant it an additional thirty (30) days to serve the non-minor Defendants James E. Harris, James E. Harris, Jr., and Andrea Harris. In support of that request, Thrivent submits the following:

1. In this matter, Thrivent seeks a declaratory judgment regarding the correct beneficiaries of a life insurance policy, which Thrivent had issued to Patricia Harris in February 2008 (“**the Policy**”).

2. In June 2016, shortly before her death, Patricia Harris intended to change the Policy’s beneficiary from her husband, James E. Harris (from whom she was separated at the time), to her children: James E. Harris, Jr., Andrea Harris, and J.H. (a minor). However, the beneficiary change form did not designate all portions of the Policy to be changed, and, as a result, the beneficiary only was changed as to one of the Policy’s two benefits.

3. Thrivent, pursuant to the Complaint seeks a declaration that Patricia Harris' attempted change was effective to change the beneficiaries for the entire Policy from her husband to her children.

4. Thrivent filed the Complaint in this matter on October 13, 2016. Service of the Summons and Complaint was due by January 13, 2017. Dkt. Entry No. 1.

5. Shortly after filing the Complaint, Thrivent's counsel spoke with Defendant James E. Harris, who, at the time was not (and still is not) represented by counsel in regard to this matter. At that time, the parties reached a verbal resolution to this matter and the distribution of the Policy's benefits. Thrivent then sent settlement related documents to all of the non-minor Defendants, including James E. Harris.

6. Based on that verbal resolution, Thrivent did not pursue formal service of the Summons and Complaint on the Defendants.

7. However, as of the date of this filing, the parties have been unable to reduce that resolution to a finalized, executed writing.

8. As a result, for good cause, Thrivent respectfully requests that the Court extend the deadline to serve the non-minor Defendants for thirty (30) days (or until February 13, 2017), which would also allow the parties additional time to continue to pursue a written settlement and resolution of this matter. The Court has not previously extended this service deadline, and the requested extension would not impact any other deadlines in this case (as no scheduling order has been issued).

9. In regard to the minor, J.H., Thrivent is informed and beliefs that J.H. does not have a dully appointed representative in this matter. As a result, in accordance with Rule 17(c), Thrivent is filing a motion for appointment of a guardian ad litem for J.H.

WHEREFORE, Thrivent, for good cause, respectfully requests that the Court extend the time period for service of the non-minor Defendants, James E. Harris, James E. Harris, Jr., and Andrea Harris, until February 13, 2017.

This 19th day of January 2017
Greenville, South Carolina

/s/ Catherine Wrenn

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